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Paper No. 7

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JUL 01 2002

OFFICE OF PETITIONS

In re Application of :
William B. Chapman, Timothy Day, John :
Pease, and Paul Zorbedian :
Application No. 09/848,914 :
Filed: May 4, 2001 :
Attorney Docket No. NUFO-028 :
Title: METHOD AND APPARATUS :
FOR TUNING A LASER :

**DECISION GRANTING STATUS
UNDER 37 C.F.R. §1.47(a)**

This is in response to the renewed petition under 37 CFR §1.47(a)¹, filed March 6, 2002.

The petition under 37 C.F.R. §1.47(a) is **GRANTED**.

The above-identified application was filed on May 4, 2001, without an executed oath or declaration and identifying William B. Chapman, Timothy Day, John Pease, and Paul Zorbedian as joint inventors. Accordingly, on June 28, 2001, a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" was mailed, requiring an executed oath or declaration in compliance with 37 CFR §1.63 and a surcharge for its late filing. This Notice set a two-month period for reply.

¹ A grantable petition under 37 C.F.R. §1.47(a) requires:

- (1) the petition fee of \$130;
- (2) a surcharge of either \$65 or \$130 if the petition is not filed at the time of filing the application;
- (3) a statement of the last known address of the non-signing inventors;
- (4) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review;
- (5) proof that the non-signing inventor refuses to sign the oath or declaration after having been presented with the application papers if the inventor refuses to sign, or proof that diligent efforts have been made to locate the non-signing inventor if he or she cannot be found, and;
- (6) a declaration which complies with 37 CFR §1.63.

The original petition was dismissed² for failure to include a statement of the last known address of the non-signing inventor, as well as proof that a copy of the entire application was sent to the non-signing inventor's last known address, and that he refused to sign. With the present petition, the petitioner has rectified this shortcoming.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

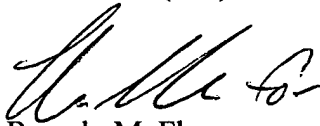
As provided in Rule 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The three-month extension of time is acknowledged.

It is noted that petitioner has submitted a petition fee. This is unnecessary since there is no fee associated with a renewed petition. This fee will be refunded to petitioner's deposit account, as authorized in the petition.

After this decision is mailed, the application will be forwarded to Technology Center 2800 for further processing.

Telephone inquiries regarding this decision should be directed to Petitions Attorney Paul Shanowski at (703) 305-0011.



Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

² The original petition was filed on September 4, 2001. The decision on the original petition was mailed on October 10, 2001.



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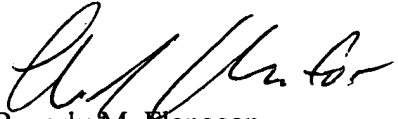
Dear Mr. Zorabedian:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, agent of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Paul Shanoski at (703) 305-0011. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific

paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).



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